

Construction and Demolition Industry: Understanding the 3Rs Regulations

This fact sheet is designed to help the construction and demolition (C&D) industry meet the requirements of the province's 3Rs (reduce, reuse, recycle) regulations. It contains some quick facts, frequently asked questions and a contact for further information.

The regulations, introduced in 1994, require the industrial, commercial and institutional (IC&I) sector, including the C&D industry, to divert more waste from disposal by reducing, reusing and recycling.

There are two regulations that affect designated projects in the C&D industry:

- O. Reg. 102/94 requires construction and demolition companies to conduct waste audits and develop and implement waste reduction work plans.
- O. Reg. 103/94 requires source separation (recycling) programs for specified wastes.

Complete details for the C&D sector on complying with the 3Rs regulations are outlined in the *Guide to Waste Audits and Reduction Work Plans for Construction and Demolition Projects* and *A Guide to Source Separation of Recyclable Materials for Industrial, Commercial and Institutional Sectors and Multi-Unit Residential Buildings*. Copies can be downloaded from the ministry's web site at www.ene.gov.on.ca/en/publications/forms/index.php#AuditandReduction or by calling the Ministry of the Environment's Public Information Centre at 1-800-565-4923 or 416-325-4000. The regulations are available at www.e-laws.gov.on.ca.

Facts about IC&I waste

IC&I wastes continue to make up the largest component of the non-hazardous solid waste stream in Ontario. The estimated amount of non-residential waste, which includes IC&I and C&D wastes, sent for disposal after the diversion of recyclables is 6.5 million tonnes.*

The IC&I sectors diverted about 18 per cent of non-residential waste from landfill compared to about 30 per cent for residential waste.* Clearly, more needs to be done if Ontario is to divert more waste from disposal.

* Based on a 2004 Statistics Canada survey

Efforts in these sectors will have the greatest potential for diverting waste materials out of landfills and into productive use. That's why the Ministry of the Environment has hired 10 new environmental enforcement officers to focus on helping businesses and industries across Ontario comply with the 3Rs regulations.

Affected C&D projects

The regulations apply to C&D projects consisting of one or more buildings with a floor area of at least 2,000 square metres (m²). Included are those projects normally associated with the construction or demolition of residential, commercial, industrial or institutional buildings, such as single family housing, apartments, offices, factories and hospitals.

Complying with the regulations is the responsibility of the person who undertakes the construction or demolition project on his/her own behalf or on behalf of another person.

Renovation projects that pull apart interior walls and fixtures but leave the building intact are not subject to the regulations.

The building floor area is the area normally reported on building permits. Multi-storey or underground parking lot areas must be included in the total building area. However, any outside areas such as ground-level outdoor parking lots or recreation parks are not part of the total area.

For example: If an apartment complex project was to consist of three buildings, with areas of 800, 500 and 600 m², and an outdoor ground level parking lot of 1,000 m², it would not need to comply with the regulations since the sum of the three building areas – 1,900 m² - would be below the 2,000 m² threshold. However, if a building had an area of 1,700 m² and had an underground parking area that was 400 m², it would have to comply with the regulations since the total floor area – 2,100 m² - would exceed the 2,000 m² threshold.

Frequently asked questions

- **If a builder has a number of houses totalling 2,000 m² or more floor area spread out over a plot of land but not directly adjacent to each other, do the regulations apply?**
Yes. Spacing between buildings on one subdivision or lot is not relevant.
- **If the construction of homes is phased in over a period of time, with the first phase having a total floor area less than 2,000 m² and the second phase also having a floor area under 2,000 m² but the total floor area of the two phases is greater than 2,000 m², will the second phase be required to comply with the regulations?**
The regulations apply where a project is being constructed over phases. The regulations address the specific project itself and not the specific phases in which the project is being built.

However, if additional buildings that were not part of the original plan are added later (providing they, too, total less than 2,000 m²), the builder does not have to comply with O. Reg. 102/94 which calls for a waste audit and waste reduction work plan [since the previous buildings would likely be under construction or already completed](#). The builder will, however, need to comply with O. Reg. 103/94 and undertake a source separation program before constructing the buildings that will bring the total floor area to 2,000 m².

- **Can commingled waste from a construction site be removed by the general contractor or sub-contractor?**

Yes. O. Reg. 103/94 allows either the general contractor or a sub-contractor who is implementing the general contractor's source separation program to remove commingled waste from the building site, providing it is removed to one of the following locations where it must be immediately separated:

- i) the permanent premises of the person undertaking the construction project (i.e., the contractor)
- ii) the permanent premises of the person on whose behalf the construction project is undertaken (i.e., the owner)
- iii) a waste disposal site operating under the authority of a certificate of approval.

- **Does the general contractor or the sub-contractor that removes the commingled waste require a certificate of approval?**

No. A certificate of approval is not required if the source separation program complies with all of the requirements of O. Reg. 103/94. For example, commingled waste must be immediately separated after it is transferred and reasonable efforts must be taken to ensure that the separated waste is reused or recycled.

- **Can the general contractor or sub-contractor remove source-separated waste?**

Yes. Either the general contractor or a sub-contractor can remove source-separated waste from the site as long as reasonable efforts are made to ensure that the waste is reused or recycled. It must go to either a municipal waste recycling site, as described in O. Reg. 101/94, or to a site where the waste is wholly used by an "end user" such as in a manufacturing or industrial process, as described in Ontario's Waste Management Regulation (Reg. 347).

- **Can a drywall company transport its own source-separated waste to an approved municipal waste site without having a certificate of approval?**

Yes. A certificate of approval is not required if the company is removing its own generated source-separated waste and transporting it to an approved municipal or private waste facility for the purposes of recycling.

- **What is the difference between construction and demolition projects versus renovation projects in the regulations?**

Renovations involve making modifications or repairs to one or more buildings without actually constructing any new building(s) or demolishing an existing building(s).

Renovations are not subject to the regulations.

- **Are waste audits and waste reduction work plans required for roofers who replace roofs on buildings that have more than 2,000 square metres of floor area?**

No. The roofer is simply replacing an existing roof on an existing building. O. Reg. 102/94 applies to construction or demolition projects, but not to renovations.

- **If in the course of a construction or demolition project there are a number of windows broken, must the glass be diverted under the regulation?**

No, diverting glass is not mandatory. However, to help meet its waste diversion goals, the ministry encourages companies to do their part for the environment by reusing or recycling as many waste materials as possible. A list of mandatory and non-mandatory wastes to be source separated is included in the *Guide to Source Separation of Recyclable Materials for Industrial, Commercial and Institutional Sectors and Multi-Unit Residential Buildings*. For the construction sector, mandatory wastes include cardboard, concrete, brick, unpainted drywall, steel and unpainted/non-treated wood.

- **Do I have to use ministry-approved forms to record my waste audit and work plan?**

No. You are free to devise your own form as long as it is in the same format as the ministry form and contains the same requested information.

If you need help and advice on conducting your waste audit and developing a waste reduction plan, there is detailed information in the *Guide to Waste Audits and Reduction Work Plans for C&D Projects*. Additional help and advice is available through a number of organizations and private companies. A list of resources is available through the Ontario Environment Business Directory (www.envirodirectory.on.ca/).

For more information or additional questions, call:

Public Information Centre
Ministry of the Environment
Tel: (416) 325-4000
Toll free: 1-800-565-4923

This fact sheet should not be considered legal advice. Please review the regulations and consult legal advice if you have any questions about the application or interpretation of the regulations.